

State of Louisiana

GRANTING OF RIGHTS-OF-WAY

to

CORPORATIONS

or

INDIVIDUALS

(As defined in R.S. 41:1173-1174
and provided for by R.S. 36:1 and 36:4 et seq.)
July 1, 1990

DIVISION OF ADMINISTRATION

STATE LAND OFFICE

P. O. BOX 44124, CAPITOL STATION

BATON ROUGE, LOUISIANA 70804

RS 41:1173. Granting of rights-of-way to corporations or individuals.

The Governor and the Commissioner of Administration may grant rights-of-way across and through any public lands belonging to the State of Louisiana--to any individual or corporation doing business in this State--provided that adequate consideration is paid the state by the Grantee of the right. (Source: Acts 1916, No. 215 1.)

RS 41:1174. Disputed title; deposit of consideration in escrow.

Should the Governor and the Commissioner of Administration grant rights-of-way across and through any public lands, the title to which is in dispute, they may provide that the consideration to be paid the State by the Grantee of the right shall be deposited in escrow with the Commissioner of Administration, to be held by that officer pending the final determination of the validity of the title to the land or until the Governor and the Commissioner of Administration and the Grantee otherwise agree the payment should be made or released as provided for in the agreement. Added Acts 1964, No. 29 1.

The following rules and regulations concerning the granting of rights-of-way have been adopted by the Commissioner of Administration.

1. Applicants are to use the State Right-of-Way form provided by the Division of Administration. A special form is used for escrow agreement permits.
2. The Right-of-Way form must be submitted in triplicate with a legal size plat(s) attached to each copy.
3. The description contained in the Right-of-Way form must indicate section, township and range, or area and block number(s) if offshore; name of the body of water to be crossed; the size of the pipe and the length of the right-of-way in rods.
4. The plat(s) must reveal the following:
 - a. Station numbers at the mean low water elevation on a river; the station numbers at the mean high water elevation on a lake, bay or Gulf of Mexico; or station numbers at ingress and egress of State properties. Said plat, when illustrating the mean low water line of river or the mean high water line of a lake or the Gulf, will be authoritative only as to the date of the application for calculation of the State's consideration. The limits of State property reflected on said plat are illustrative only and recognized solely and only for computing the fee for this grant, and are not intended and shall not be construed as determinative of actual title for the benefit of any adjoining owners, whether a Grantee herein or a third party.
 - b. The section, township and range if in an area that has been surveyed.
 - c. The product to be transported.

- d. The location of the pipeline with respect to the right-of-way.
5. Names of adjoining land owners cannot be shown on the plat unless necessary for legal description.
6. The Right-of-Way form must be accompanied by a letter of intent which shall contain the following information:
 - a. Initiating and terminating point of the pipeline.
 - b. Point of origination of product to be transported as a result of this construction.
 - c. Capacity or if a loopline added capacity as a result of this construction.
 - d. Estimated volume of product to be transported as a result of this construction.
 - e. A detail of construction.
 - f. Pipe specifications including size, wall thickness and type.
 - g. The proposed and maximum operating pressures.
7. Where State mineral leases are traversed, an applicant will furnish the Commissioner of Administration a copy of the letter of notification (with signed, certified returned receipt attached) which has been sent to the mineral lessees.
8. It is necessary that permission or clearance be obtained from the United States Corps of Engineers; State Office of Public Works, Department of Transportation and Development; Louisiana Department of Environmental Quality, Water Pollution Control Division; The Louisiana Department of Wildlife and Fisheries and both the Coastal Management Division and the Office of Conservation of the Department of Natural Resources if the operation is within their respective jurisdictions and from any other agency having permit authority over the proposed project.
9. Clearance shall be obtained from the Secretary of the Department of Wildlife and Fisheries when oyster leases are to be traversed.
10. Written consent must be obtained from the Secretary of the Department of Wildlife and Fisheries if the proposed right-of-way crosses a State or Federal preserve. Similar clearance is required from any agency having jurisdiction over surface rights of state lands being crossed.
11. The State requires payment for all grants across State lands or navigable streams -- regardless of size.
12. The proposed route of the pipeline shall be subject to approval of the Commissioner of Administration.
13. Fees for permits shall be as follows:
 - Class 1. Pipe 2 inches up to 19 inches outside diameter with a maximum of 75 feet right-of-way during construction to revert to 35 feet after construction is completed with the additional right of ingress and egress for the purpose of maintenance, repairs, removal or modification -- \$25.00 per rod.

Class 2. Pipe 19 inches up to 36 inches outside diameter with a maximum of 100 feet right-of-way during construction to revert to 50 feet after construction is completed with the additional right of ingress and egress for the purpose of maintenance, repairs, removal or modification -- \$35.00 per rod.

Class 3. Pipe over 36 inches outside diameter with a maximum of 200 feet right-of-way during construction to revert to 60 feet after construction is completed with the additional right of ingress and egress for the purpose of maintenance, repairs, removal or modification -- \$45.00 per rod.

The minimum fee for any application processed shall be \$50.00 with a \$100.00 fee assessed for any assignment of permit thereafter.

14. Contract term -- 20 years with option to renew for additional 20 year term. The option to renew shall be on the same terms and conditions as the original agreement except that the consideration shall be adjusted to reflect the percentage of increase or decrease in the cost of living index as established by the Consumer Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor Statistics of the United States Department of Labor or any revision or equivalent of any such index published by the United States Government, which has occurred from date of this instrument to the date of renewal provided, however, that in no event shall consideration of such renewal be less than the consideration paid herein for the original term.
15. There shall be no above-ground installations, i.e., valve setting, tie-overs, platforms, etc., without the express consent and approval of the Commissioner of Administration. The Commissioner shall have authority to establish the basis of compensation (which amount shall be in addition to the per-rod consideration referred to in these rules) for such above-ground installation. The application for pipeline rights-of-way shall contain a concise description of any such above-ground facility together with appropriate drawing, showing location of same and profile of design and style.
16. All pipelines constructed under permits granted by the State of Louisiana shall be in accordance with Parts 191, 192 and/or 195 of Title 49 of the Code of Federal Regulations, as amended, and other Federal and State Laws not in conflict therewith.
17. The State of Louisiana is held free from any and all liabilities.
18. A copy of the Right-of-Way Grant, along with a pertinent plat(s) attached, must be filed with the Clerk of Court of the Parish or Parishes affected and the Division of Administration furnished recordation data.